

The Honorable Marsha Pechman

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAMELA S. HENSLEY and MICHAEL
M. HENSLEY, husband and wife, each of
them, and their marital community,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

NO. CO4-302P

STIPULATION AND ORDER
STAYING SPECIFIC
DISCOVERY

I. STIPULATION

The parties stipulate to stay United Services Automobile Association's FRCP 35 rights and concomitant FRCP 26(a)(2) disclosures of experts, if chosen by defendants United Services Automobile Association, and stipulate to stay the deposition discovery by the plaintiffs of such experts until determination by the court with regard to defendants Eich's, United Services Automobile Association's and USAA Casualty Insurance Company's Motion to Dismiss Plaintiffs' Second Amended Complaint as to defendants Eich, United Services Automobile Association and USAA Casualty Insurance Company.

STIPULATION AND ORDER STAYING
SPECIFIC DISCOVERY - 1

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PHONE (206) 682-7700 FAX (206) 682-0721

1 In the event the plaintiffs' claims against defendants Eich, United Services Automobile
2 Association and/or USAA Casualty Insurance Company are not dismissed, stayed or
3 bifurcated from plaintiffs' claims against defendant United States of America, the parties
4 agree to extend the deadline to exchange expert witness reports and the discovery cutoff
5 to allow for the contemplated expert discovery by defendants Eich, United Services
6 Automobile Association and/or USAA Casualty Insurance Company and depositions of
7 those experts by any other party.
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11 This stipulation is based on an effort to minimize the costs involved for all parties
12 and to minimize any potentially unnecessary travel for plaintiff Pamela Hensley between
13 Las Vegas, Nevada and Seattle, Washington to attend an independent medical
14 examination and/or vocational rehabilitation assessment.
15

16 II. ORDER

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18 Based upon the foregoing Stipulation, it is hereby:

19 ORDERED that defendant United Services Automobile Association's FRCP 35
20 rights and concomitant FRCP 26(a)(2) expert disclosures and discovery and depositions
21 of those experts be stayed pending determination by this court of defendants Eichs',
22 United Services Automobile Association's and USAA Casualty Insurance Company's
23 Motion to Dismiss Plaintiffs' Second Amended Complaint as to Defendants Eich,
24 United Services Automobile Association and USAA Casualty Insurance Company, and
25 that in the event the claims against said defendants are not dismissed, stayed or
26 bifurcated, the deadline to exchange expert witness reports and the discovery cutoff to
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STIPULATION AND ORDER STAYING
SPECIFIC DISCOVERY - 2

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1 allow for expert discovery by defendants Eich, United Services Automobile Association
2 and/or USAA Casualty Insurance Company, as well as depositions of those experts by
3 any other party, shall be extended past the present deadlines for such exchange of expert
4 witness reports and discovery.
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6 DATED: November _28____, 2005
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10 Marsha J. Pechman
11 U.S. District Judge
12
13

14 STIPULATED AND AGREED TO:

15 PEIZER, RICHARDS & ZIONTZ, P.S.
16

17 By: _____
18 Alan J. Peizer WSBA #7002
19 Attorney for Defendants Eich, United Services
20 Automobile Association and USAA
21 Casualty Insurance Company

22 STIPULATED AND AGREED TO:

23 MOSLER, SCHERMER, WALLSTROM,
24 SCRUGGS & SIELER

25 By: _____
26 Paul Arnold Wallstrom WSBA #8605
27 Attorneys for Plaintiffs
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STIPULATION AND ORDER STAYING
SPECIFIC DISCOVERY - 3

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1 STIPULATED AND AGREED TO:
2

3 By: _____
4 Robert P. Brouillard WSBA _____
5 United States Attorney
6 Attorneys for United States of America
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STIPULATION AND ORDER STAYING
SPECIFIC DISCOVERY - 4

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